



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

December 5, 2008

Dennis Winterringer
Office of Surface Mining Reclamation and Enforcement
P.O. Box 46667
Denver, CO 80201-6667

Subject: Black Mesa Project Final Environmental Impact Statement (EIS)
[CEQ #20080454]

Dear Mr. Winterringer:

The U.S. Environmental Protection Agency (EPA) has reviewed the Black Mesa Project Final EIS. Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementation Regulations at 40 CFR 1500-1508, and Section 309 of the Clean Air Act.

Since the original publication of the Draft EIS in 2006, the proposed project has been reduced to eliminate transport of Black Mesa coal to the Mohave Generating Station. The preferred alternative involves incorporating the 18,984 acres associated with the Black Mesa mining operation into the expanded permit area, which includes the Kayenta portion of the mine. We understand from the Final EIS that, although coal-resource areas J-02, J-04, J-06, J-08, J-09, J-10, J-14, and J-15 are incorporated into the permanent Life-of-Mine permit, any future proposals by Peabody Western Coal Company to mine these areas will require approved mine plan revisions and NEPA analyses by the Office of Surface Mining Reclamation and Enforcement (OSM). We have no objections to the preferred alternative. We recommend that OSM continue strong public outreach/involvement for all environmental assessments (EA) and EISs tiered to this EIS, including scoping and public meetings. In addition, we respectfully request to be notified when scoping is initiated for each project, and also sent copies of all EAs tiered to this EIS during the public review period.

We have appreciated the opportunity to participate as a cooperating agency in the preparation and review of the Black Mesa Project EIS. Please send us a copy of the Record of Decision when it becomes available. If you have any questions, please contact Jeanne Geselbracht at (415) 972-3853 or geselbracht.jeanne@epa.gov.

Sincerely,

/ S /

Kathleen M. Goforth, Manager
Environmental Review Office

Cc:

Bruce Ellis, Bureau of Reclamation, Phoenix Area Office
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John Stucker, Navajo Nation Minerals Department
John Leeper, Navajo Nation Water Resources Department
Loretta Jackson-Kelly, Hualapai Tribe
Brian Dunfee, Peabody Western Coal Company